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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,708	08/06/2001	Avery Fong	208697US-2	8764
22850	7590	06/24/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			KHUONG, LEE T	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/921,708	FONG, AVERY	
	Examiner	Art Unit	
	Lee Khuong	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 8-9, 24-25 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-23, 26-36 and 38-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-7, 10, 12-23, 26, 28-36, 39-46 and 48-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaucher (US 6,175,860) in view of Pickett (US 4,949,299).

**Regarding claim 1,** Gaucher teaches a Method and Apparatus For An Automatic Multi-rate Wireless/Wired Computer Network.

*providing a main server (a master server/computer 12, Fig. 3) including software for managing network resources from a single point of administration (having programming*

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software for controlling electronic devices from a single computer/master server 12, col. 2, lines 49-56, col. 3, lines 14-21 and col. 4, lines 66-67);

*wirelessly connecting a plurality of electronic devices (VCR 44, printer 30, Appliance 40, lights 48, PDA 50, Fig. 3) to said main server to create a wireless local area network (LAN)(connecting to master server 12 to form a wireless local area network, LAN, col. 2, lines 49-56, col. 3, lines 22-50); and*

*managing said electronic devices using said software, wherein said electronic devices include at least one of an appliance (appliance 40, Fig. 3), an environmental control device (lights 48, Fig. 3), and an entertainment device (VCR 44, Fig. 3) (controlling the electronic devices with software from a master server 12, col. 3, lines 14-50), wherein said step of managing said electronic devices comprises:*

*monitoring management initiating parameters including at least one of a system clock and sensed parameters, for said electronic devices (monitoring the entire network for any integral information relating to the registered electronic devices. For example: the master server is monitoring a distance of an automobile is entering its garage via the automobile' sensor, col. 6, lines 8-26);*

*determining a management action to be performed on an electronic device to be managed based on said management initiating parameters (determining to download the number of miles traveled since the last oil change via an automobile' sensor, col. 6, lines 18-33).*

Gaucher does not expressly teach *transmitting a management action data packet to said electronic devices to be managed.*

Pickett teaches *transmitting a management action* (a command task) *data packet to said electronic devices to be managed* (a controller 12, Fig. 1, formulates a message packet to download and the message packet represents a command task and is transmitted over the RF antenna to a sensor 14, Fig. 1, see col. 7, lines 29-36, lines 42-46, lines 56-60, col. 10, lines 11-20 and col. 13, lines 39-47).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to employ the RF device as taught by Pickett into Gaucher to arrive the claimed invention as specified in claim 1.

The suggestion/motivation for doing so would have been to provide a single message frame format for sending messages from the computer to the sensor and responses from the sensor back to the computer (see Pickett, col. 2, lines 27-30).

**Regarding claim 2**, Gaucher teaches the master server 12, Fig. 3, (*a main server*) is a desktop computer, col. 4, lines 55-56.

**Regarding claim 3**, Gaucher teaches (1) the master server 12, Fig. 3, wirelessly checking for new electronic device members by requesting the devices' unique identifier (*wirelessly transmitting an identification request from said main server*), col. 5, lines 36-42 and col. 9, lines 37-39; (2) the master server 12 wirelessly receiving a registration identifier from the requested electronic device within the service range of the master server 12, col. 6, lines 1-5 and col. 8, lines 33-41; and (3) the master server 12 keeps scanning and adjusting bandwidth usage of registered electronic devices within its wireless LAN service area (*maintaining said wireless*

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*LAN including the main server and the responding electronic devices*), col. 8, lines 33-41 and col. 9, lines 50-65.

**Regarding claim 4**, Gaucher teaches the master server 12, Fig. 3, adjusting a transmission power of a radio signal to the connecting electronic devices within its wireless LAN, col. 9, lines 18-36.

**Regarding claim 5**, Gaucher teaches the master server 12, Fig. 3, periodically scanning for new or unregistered devices (*updating information on the electronic devices*), col. 8, lines 33-41 and col. 9, lines 50-65.

**Regarding claim 6**, Gaucher teaches adding and dropping electronic devices from the wireless LAN as needed, col. 9, lines 50-65.

**Regarding claim 7**, Gaucher teaches maintaining the wireless LAN using a media access control (MAC) protocol, col. 3, lines 1-3 and col. 10, lines 37-67.

**Regarding claim 10**, Gaucher teaches receiving the management action data packet at the managed electronic device, col. 6, lines 18-33; and  
performing the management action at the managed electronic device based on the management action data packet, col. 6, lines 18-33.

**Regarding claim 12**, Gaucher teaches connecting a PDA 50, Fig. 3, (*mobile terminal device*) to the master server 12, Fig. 3 (*said main server*).

**Regarding claim 13**, Gaucher teaches creating a wireless home network, col. 4, lines 48-65.

**Regarding claim 14**, Gaucher teaches creating a wireless office (*workplace*) network, col. 4, lines 48-65.

**Regarding claim 15**, Gaucher teaches wirelessly connecting electronic devices the master server 12 (*main server*) can share the software and hardware resources of the master server, col. 9, lines 50-65.

**Regarding claim 16**, Gaucher teaches the system 10, Fig. 3, is capable of providing Internet connectivity to said electronic devices through the master server 12 (*said main server*), col. 6, lines 34-63 and col. 7, lines 14-18.

**Regarding claim 17**, Gaucher teaches a Method and Apparatus For An Automatic Multi-rate Wireless/Wired Computer Network.

*a main server* (a master server/computer 12, Fig. 3) *including software for managing network resources from a single point of administration* (having programming software for

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controlling electronic devices from a single computer/master server 12, col. 2, lines 49-56, col. 3, lines 14-21 and col. 4, lines 66-67);

*a communications device (a network box 16) configured to wirelessly connect a plurality of electronic devices (VCR 44, printer 30, Appliance 40, lights 48, PDA 50, Fig. 3) to said main server to create a wireless local area network (LAN) (connecting to master server 12 to form a wireless local area network, LAN, col. 2, lines 49-56, col. 3, lines 22-50); and*

*a processor (inherently inside the master server 12, Fig. 3) configured to manage said electronic devices using said software, wherein said electronic devices include at least one of an appliance (appliance 40, Fig. 3), an environmental control device (lights 48, Fig. 3), and an entertainment device (VCR 44, Fig. 3) (controlling the electronic devices with software from a master server 12, col. 3, lines 14-50), wherein said step of managing said electronic devices comprises:*

*monitoring management initiating parameters including at least one of a system clock and sensed parameters, for said electronic devices (monitoring the entire network for any integral information relating to the registered electronic devices. For example: the master server is monitoring a distance of an automobile is entering its garage via the automobile' sensor, col. 6, lines 8-26);*

*determining a management action to be performed on an electronic device to be managed based on said management initiating parameters (determining to download the number of miles traveled since the last oil change, col. 6, lines 18-33).*



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Gaucher does not expressly teach *transmitting a management action data packet to said electronic devices to be managed via said communications device*.

Pickett teaches *transmitting a management action (a command task) data packet to said electronic devices to be managed via said communication device* (a controller 12, Fig. 1, formulates a message packet to download and the message packet represents a command task and is transmitted over the RF antenna to a sensor 14, Fig. 1, see col. 7, lines 29-36, lines 42-46, lines 56-60, col. 10, lines 11-20 and col. 13, lines 39-47).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to employ the RF device as taught by Pickett into Gaucher to arrive the claimed invention as specified in claim 17.

The suggestion/motivation for doing so would have been to provide a single message frame format for sending messages from the computer to the sensor and responses from the sensor back to the computer (see Pickett, col. 2, lines 27-30).

**Regarding claims 18 and 40**, this claim has similar limitations of claim 2. Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 2.

**Regarding claims 19 and 41**, this claim has similar limitations of claim 3. Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 3.

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**Regarding claims 20, 34 and 42**, this claim has similar limitations of claim 4.

Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 4.

**Regarding claims 21, 35 and 43**, this claim has similar limitations of claim 5.

Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 5.

**Regarding claims 22, 36 and 44**, this claim has similar limitations of claim 6.

Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 6.

**Regarding claims 23 and 45**, this claim has similar limitations of claim 7. Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 7.

**Regarding claims 26 and 46**, this claim has similar limitations of claim 10. Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 10.

**Regarding claims 28 and 48**, this claim has similar limitations of claim 12. Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 12.

**Regarding claims 29 and 49**, this claim has similar limitations of claim 13. Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 13.

**Regarding claims 30 and 50**, this claim has similar limitations of claim 14. Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 14.

**Regarding claims 31 and 51**, this claim has similar limitations of claim 15. Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 15.

**Regarding claims 32 and 52**, this claim has similar limitations of claim 16. Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 16.

**Regarding claim 33**, this claim has similar limitations of claim 1. Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 1.

**Regarding claim 39**, this claim has similar limitations of claim 1. Therefore, it is rejected under Gaucher in view of Pickett for the same reasons set forth in the rejection of claim 1.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 27, 38 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaucher in view Pickett and further in view of Balasubramaniam et al (US 6,803,728), hereinafter is referred as Balasubramaniam.

**Regarding claims 11, 27, 38 and 47**, Gaucher and Pickett teach all claimed limitations, except (1) generating a management action report at the electronic device to be managed; (2) transmitting a report data packet including the management action report from the electronic device to be managed, the management action report containing information about whether the management action was completed by the electronic device to be managed.

Balasubramaniam teaches a System For Control Of Devices. (1) Fig. 1 teaches generating a management action report at the device 24 (*electronic device to be managed*), col. 9, lines 42-52; (2) transmitting a report data packet including the management action report from the electronic device to be managed, the management action report containing information about whether the management action was completed by the electronic device to be managed, col. 9, lines 10-41.

Gaucher, Pickett and Balasubramaniam are analogous art because they are from a similar problem solving area of controlling devices under an integrated system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the integrated control system of Balasubramaniam with Gaucher and Pickett.

The suggestion/motivation for doing so would have been to provide an improved control systems (see Balasubramaniam, col. 1, lines 52-54).

Therefore, it would have been obvious to combine Balasubramaniam with Gaucher and Pickett to obtain the invention as specified in claims 11, 27, 38 and 47.

*Conclusion*

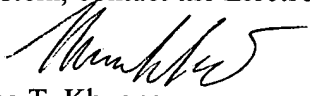
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sharood et al (US 6,453,687); Mahany et al (US 5,682,379) are cited to show a System, Computer Program Product and Method For Managing and Controlling a Local Network of Electronic Devices.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Khuong whose telephone number is 571-272-3157. The examiner can normally be reached on 9AM - 5PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lee T. Khuong  
Examiner  
Art Unit 2665

  
HUY D. VU  
SUPERVISORY PATENT EXAMINER  
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